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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,323	06/14/2001	Zon-Yin Shae	YOR920010333US1	7149

7590 04/09/2007  
Ryan, Mason & Lewis, LLP  
1300 Post Road, Suite 205  
Fairfield, CT 06430

EXAMINER
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CHANG, RICHARD

ART UNIT	PAPER NUMBER
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2616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

09/881,323

Applicant(s)

SHAE ET AL.

Examiner

Richard Chang

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 19-24,38,39,53 and 54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-24,38,39,53 and 54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06/14/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Response to Amendment and Remarks***

1. Applicant's remarks and amendments, filed on 12/20/2006, with respect to claims 19-24, 38-39 and 53-54 have been fully considered but are moot in view of the new ground(s) of rejection.

Claim 1-18, 25-37, 40-52, 55-59 had been canceled.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 19-24, 38-39 and 53-54 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 38-39 and 53-54 are nonstatutory because paragraph [0122], page 32 of specification define medium to include transmission medium thereby making the claim as a whole, in light of the specification, a signal.

Considering claims 19-24, 38-39 and 53-54, these claims are written in form of "method". However, as evidenced in Figure 19, paragraph [0121-0122], page 32, the methods are programs stored in memory (1930) to be executed by processor (1920).

When claims 19-24, 38-39 and 53-54 fall within one of the statutory categories, we continue to ask the following question.

Does the claimed invention cover a judicial exception? The answer is "Yes", i.e. abstract idea- computer program.

Once the claim covers a judicial exception, we need to determine whether there is a practical application recited in the claim. The final result achieved by claim 19-24, 38-39 and 53-54 is to form a data frame. It is clear that 1) there is no physical transformation recited in the claim, and 2) no useful and tangible result recited in the claim. Thus, claims 19-24, 38-39 and 53-54 are nonstatutory.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 19-24, 38-38 and 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent application publication No. US 2002/0157103 A1 ("Song et al.") in view of US patent No. 6,744,915 B1 ("Barton et al.").

Regarding Claims 19, 38 and 53, Song et al. teaches Song et al. teach a method for periodically broadcasting media content (method for digital media playback in a broadcast network), the method comprising of

creating a plurality of levels (dividing into segments) for the media content (multimedia presentation), and

periodically transmitting (in periodic transmission process) each level (segments)

(See Fig. 1, page 2, paragraph [0011-0013]).

Song et al. teaches substantially all the claimed invention but did not disclose expressly the particular application involving limitations of “determining original stroke data from a whiteboard and for each of a plurality of levels of detail, determining predicted stroke data from the original stroke”

Barton et al. teaches a similar application in image identification with the estimation process wherein determining original stroke data from a whiteboard (determine the spatial samples stroke data) (See Col. 1, lines 54-67) and for each of a plurality of levels of detail, determining predicted stroke data from the original stroke (the segment estimator estimates the stroke with predictive analysis) (See Fig. 5, Col. 9, lines 51-63).

At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to combine Barton et al. with Song et al. in order to obtain a method for periodically broadcasting media content and to take advantage of determining the spatial samples stroke data and estimating the stroke with analysis.

The motivation to do so would have been to determine the spatial samples stroke data and to estimate the stroke with predictive analysis, as suggested by Barton et al. in Col. Col. 9, lines 51-63.

Regarding claims 20-21, Song et al. further teach a step to assign a minimum latency for each of the levels, and a step to determine a bandwidth for each level of detail by using a corresponding one of the minimum latencies (determines a best feasible gap) (See page 8, paragraph [0127-0130]).

Regarding claims 24, Song et al. further teach a step to receiving a set of the levels of detail and displaying this set of the levels of detail by combining points from the each level of detail in the set (play back at receiver side) (See page 3-4, paragraph [0047-0049]).

Regarding Claims 22-23, 39 and 54, Song et al. teaches substantially all the claimed invention but did not disclose expressly the particular application involving limitations of "for a lowest level of detail determining segmentation points of the original stroke data and using the segmentation points as the predicted stroke data for the lowest level of detail and for higher levels of detail determining feature points determined by using an area-based error method that uses points in a lower level of detail, wherein the feature points are used as the predicted stroke data"

Barton et al. further teaches that for each of levels of detail there are of a plurality of segment estimators with low pass filters to combine strokes and their estimations for an area estimates as predictive analysis in the set (See Fig. 5, Col. 7, line 59 to Col. 8, line 36).

At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to combine Barton et al. with Song et al. in order to obtain a method for periodically broadcasting media content and to take advantage of for each of levels of detail there are of a plurality of segment estimators with low pass filters to combine strokes and their estimations for an area estimates as predictive analysis in the set.

The motivation to do so would have been to determine the spatial samples stroke data and to estimate the stroke with predictive analysis, as suggested by Barton et al. in Col. 7, line 59 to Col. 8, line 36.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Chang whose telephone number is (571) 272-3129. The examiner can normally be reached on Monday - Friday from 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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rkc

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